

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

In re:	§	
	§	CASE NO. 17-22311-jrs
Calla Anne Gruss	§	CHAPTER 13
	§	
Debtor	§	

Carvana, LLC,	§	CONTESTED MATTER
	§	
Respondent	§	
v.	§	
Calla Anne Gruss, Debtor	§	
	§	
Nancy J. Whaley, Trustee	§	
	§	
	§	

OBJECTION TO CONFIRMATION

COMES NOW, Carvana, LLC, (Carvana) and makes and files its Objection to the Confirmation of the Debtor's Chapter 13 case for the reasons set forth below:

1.

Carvana holds a first priority lien on the Certificate of Title to the Debtor's 2016 Nissan Pathfinder, VIN: 5N1AR2MN9GC635959.

2.

The subject vehicle was purchased on 10/05/2017, which is within 910 days of the filing of the within case and should be paid in full pursuant to 11 U.S.C Section 1325(a)(9).

3.

The Debtor's amended plan estimates Carvana's claim in the amount of \$16,230.98 with an interest rate of 5.00%, monthly payments in the amount of \$194.00, increasing to \$310.00 in 1/2019.

4.

Carvana is entitled to have its claim in the amount \$23,982.17, paid as fully secured. The contractual interest rate is 23.48%.

5.

The Debtor's proposed monthly payment and interest rate are insufficient to provide Carvana, with adequate protection.

THEREFORE, based upon the above and foregoing facts Carvana objects to the confirmation of the Debtor's Chapter 13 case.

This August 3, 2018

Respectfully Submitted

/s/ Richard B. Maner

Richard B. Maner, GA Bar No. 486588

Attorney for Respondent

5775 Glenridge Drive, Building D, Suite 100

Atlanta, GA 30328

Phone: (404) 252-6385, Fax: (404) 252-6394

Email: rmaner@rbmlegal.com

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of **OBJECTION TO CONFIRMATION** electronically. Those not served electronically have been served by depositing same in the United States Mail in a properly addressed envelope to each with adequate postage thereon as follows:

Calla Anne Gruss
3590 Sunflower Dr.
Buford, GA 30519

E. L. Clark
Clark & Washington, LLC
Bldg. 3
3300 Northeast Expwy.
Atlanta, GA 30341

Nancy J. Whaley
Nancy J. Whaley, Standing Ch. 13 Trustee
303 Peachtree Center Avenue
Suite 120, Suntrust Garden Plaza
Atlanta, GA 30303

This August 3, 2018

/s/ Richard B. Maner
Richard B. Maner, GA Bar No. 486588
Attorney for Respondent
5775 Glenridge Drive, Building D, Suite 100
Atlanta, GA 30328
Phone: (404) 252-6385, Fax: (404) 252-6394
Email: rmaner@rbmlegal.com

Georgia Certificate of Title

DISCLAIMER: DO NOT ACCEPT THIS TITLE WITHOUT THE SECURITY THREAD LOCATED APPROXIMATELY TWO INCHES FROM LEFT EDGE.

VEHICLE IDENTIFICATION NUMBER 5N1AR2MN9GC635959	MAKE NISSAN	YEAR 2016	TYPE OF BODY MULTI-PURPOSE V	MODEL PATHFINDER S S	CYL 6	DATE ISSUED 11/06/2017
DATE VEHICLE PUR 10/04/2017	FUEL GASOLINE	NEW OR USED USED	ODOMETER 010425	PREVIOUS TITLE NBR / STATE OF ISSUE [REDACTED] / CA	NBR OF LIENS 1	COLOR GRY / GRY

OWNER

CALLA ANNE GRUSS
3590 SUNFLOWER DR
BUFORD GA 30519-8000

* ODOMETER READING IS ACTUAL MILEAGE OF THE VEHICLE UNLESS OTHERWISE INDICATED BELOW

CARVANA LLC
PO BOX 29002
PHOENIX AZ 85038-9002

1ST LIEN OR SECURITY INTEREST

CARVANA LLC
PO BOX 29002
PHOENIX AZ 85038-9002

2ND LIEN OR SECURITY INTEREST

3RD LIEN OR SECURITY INTEREST

RELEASE OF LIEN OR SECURITY INTEREST

DATE OF RELEASE	SECURITY INTEREST HOLDER	AUTHORIZED AGENT
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1ST LIEN		BY
2ND LIEN		BY
3RD LIEN		BY

The Georgia Department of Revenue issued this title pursuant to the Motor Vehicle Certificate of Title Act and this title is subject to its provisions. The Department certifies that on application duly made, the person named herein is registered as the lawful owner of the vehicle described subject to any liens or security interests set forth and such liens or security interests as may subsequently be filed with the Commissioner.

Lynette T. Riley
STATE REVENUE COMMISSIONER